

REMARKS

Claims 1-5 are pending in this application.

The Amendments

The amendments to Claims 1 and 2 are supported in the specification, for example, in original claim 1; page 2, lines 18-19 and page 3, lines 9-34. The amendments to Claims 4 and 5 are supported in the specification, for example, on page 4, lines 1-14, page 4, lines 15-21, and on page 7, lines 12-26. New Claim 8 is a species of Claim 1, and therefore is supported by Claim 1 as well as the specification at page 7, line 12 et seq. and Figure 2.

The amendments to the claims are being made to place the application in a more favorable form for allowance. No new matter is added in these amendments. The Examiner is respectfully requested to enter the amendments.

The Remarks

Claim Objections: Claim 1

The objection to Claim 1 is maintained by the Examiner for allegedly using awkward phrasing that is subject to misinterpretation. This objection is overcome in view of the amendments to Claim 1.

Claim 1 is amended, as suggested by the Examiner in the Office Action, to recite the phrase “or by a DNA related due to the degeneracy of the genetic code.” Claim 1, therefore, has been amended to place the application in a more favorable form for allowance, and the objection to the claim should be withdrawn.

New Claim 8 has also been added to place the claims in a more favorable form for allowance. New Claim 8 recites a species of Claim 2, and therefore claims the same subject matter as Claim 2 and as such requires no new search. The Examiner is respectfully requested to enter this amendment.

35 U.S.C. § 101 Rejection

The Examiner has rejected Claims 2 and 4 for allegedly being directed to non-statutory subject matter. This objection is overcome in view of the amendments.

Claim 2 has been amended to include the term “isolated” before “DNA coding for.” The claim is now drawn to subject matter allowable under the relevant statute. Claim 2, therefore, has been amended to place the application in a more favorable form for allowance, and the objection to Claim 2 should be withdrawn.

Claim 4 has been amended to read “an isolated cell” in place of “transformant.” Claim 4, therefore, has been amended to place the application in a more favorable form for allowance, and the objection to Claim 4 should be withdrawn.

CONCLUSION

Applicants believe that the application is in good and proper condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is encouraged to call the undersigned at (650) 463-8181.

Respectfully submitted,



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